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April 24, 2014

**BY ECF AND FEDERAL EXPRESS**

Honorable Susan D. Wigenton, U.S.D.J.  
United States District Court  
Martin Luther King, Jr. Federal Building  
50 Walnut Street, Room 5060  
Newark, New Jersey 07102

**Re: *Celgene Corp. v. Natco Pharma Ltd., et al.*,  
Civil Action No. 10 CV 5197 (SDW) (MCA)**

Dear Judge Wigenton:

This firm represents Defendants in this matter. We write to respectfully request that Your Honor consider this brief reply to Celgene's April 21, 2014 letter regarding Defendants' Motion to Dismiss with Prejudice and to Strike Affirmative Defense (D.I. 270) and related briefing.

Celgene's letter is telling in several respects. First, Celgene concedes that consistent with previous opinions from this District—precedent that Celgene omitted from its opposition—Defendants' counterclaims for invalidity and noninfringement may contain *at least* partially legal elements.<sup>1</sup> Second, despite that, Celgene presents no authority showing that unclean hands is applicable to a claim that is partially legal. Third, Celgene's briefing is devoid of case law holding that unclean hands is applicable to claims of invalidity and noninfringement, regardless of whether those claims are considered "legal," "equitable," or some combination of the two. Defendants, on the other hand, cited several cases in their Reply showing that unclean hands indeed *is not* a defense to these types of claims under any circumstances (D.I. 294 at 5-7). Celgene's unclean hands defense simply has no impact on this case, and it should be stricken.

We thank Your Honor for Your Honor's consideration of this matter.

Respectfully submitted,

s/ Melissa Steedle Bogad

Melissa Steedle Bogad  
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cc: All Counsel of Record (by ECF and email))

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<sup>1</sup> Defendants maintain their position that these counterclaims are entirely legal.